

REMARKS/ARGUMENTS

Reconsideration is respectfully requested of the Official Action of July 29, 2003.

A two-month extension of time, together with the associated fee is filed herewith.

The claims in the case are 1 to 12 and 25 to 28.

Claims 6 and 9 are amended to change the European format into standard U.S. form. The new Claims 26 and 27 retain the subject matter deleted from Claims 6 and 9 respectively.

The specification has been amended to insert the appropriate headings in accordance with the Examiner's request.

The rejection of Claims 1 to 12 on the ground of obviousness-type double patenting, in view of Claims 1-7, 9, 10, 15 and 16 of U.S. Patent 6,486,366, is rendered moot by the Terminal Disclaimer filed herewith.

With the filing of the Terminal Disclaimer, the rejection of Claims 1 to 8 and 11, in view of Claims 1 to 8, 11 and 12 of pending application No. 2002/0173676, is also rendered moot.

In view of the foregoing amendment to Claims 6 and 9, the rejection under 35 U.S.C. § 112 has been overcome.

The rejection of Claims 1 to 12 and 25, under 35 U.S.C. § 102(b) as allegedly anticipated by *Wang* (US 4,820,503), is traversed and reconsideration is respectfully requested.

Wang discloses uniformly-sized hollow, gas-impervious catalyst spheres in the form of a gas-impervious shell containing a gas at a pressure greater than the atmospheric and having a layer of catalyst on the surface thereof. They can be formed of aluminum (see, col. 4, line 1).

These spheres can be used for hydrogenation reactions. The spheres are described in more detail in col. 2, line 64 pp.

The reference does not disclose a Raney-catalyst, which is used in applicants' invention.

The claims of applicants' case specify using a Raney catalyst. This is described on pg. 5 of this application as follows:

The preparation of the catalysts used in the process according to the invention can be carried out according to the method described in DE 199 33 450.1. According to this method, a mixture of an alloy powder of a catalytically active metal with a metal which can be leached out, preferably aluminium, an organic binder and optionally an inorganic binder, water and promoters is applied to spheres which are preferably made of a material which can be removed by means of heat. Polystyrene foam spheres can particularly preferably be used. The mixture comprising the metal alloy can preferably be applied to the polymer spheres in a fluidized bed. 0 -10 wt.% polyvinyl alcohol and/or 0 -3 wt.% glycerol can preferably be employed as the organic binder. The coated polymer foam spheres are then calcined above 300 °C, preferably in a range from 450 to 1300 °C, in order to remove the polymer foam by means of heat and to sinter the metal. The hollow spheres acquire a stable form as a result. After the calcining, the catalysts in the form of hollow spheres are activated by treatment with basic solutions, preferably alkali metal or alkaline earth metal hydroxides in water, more preferably aqueous sodium hydroxide solution. They can then be washed with water until the pH is less than 9. The catalysts obtained in this way have bulk densities of between 0.3 and 1.3 kg/l.

For the process according to the invention, it is preferable for the Raney catalysts in the form of hollow bodies to comprise nickel, cobalt, copper, iron, platinum, palladium, ruthenium or mixtures of these metals as catalytically active constituents.

Advantages of applicants' catalyst are set forth on pg. 17, line 15:

The Raney catalyst in the form of hollow bodies has a significantly lower bulk density than the Raney catalyst used hitherto. As a result, considerably less catalyst material is required than in the processes known heretofore.

In spite of the significantly smaller amount of catalyst material, the preparation of saturated organic compounds can be carried out with high conversion rates, very good yields and very good space/time yields.

The catalyst employed in the process according to the invention has a very good strength. This results in very good hydrogenation activity, which lasts a long time, so that long running times without interruptions, are achieved in continuous operation.

Because of its physical state, the catalyst is easy to separate off from the reaction medium after the reaction.

In order to make the distinction between *Wang* and the present invention even more clear, new Claim 28 incorporates the process of making the Raney catalyst.

For the foregoing reasons, applicants submit that *Wang* does not anticipate the claimed invention and the rejection should be withdrawn.

App. No. 10/477,971
Amndt. dated Dec. 11, 2003
Resp. to Office Action dated July 29, 2003

Favorable action at the Examiner's earliest convenience is respectfully requested.

Respectfully submitted,

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